

Westfield City Council Meeting December 13, 2010

The Westfield City Council met in regular session Monday December 13, 2010 at the Westfield City Hall. Members present were John Dippel, Bob Horkay, Steve Hoover, Ken Kingshill, Bob Smith, Tom Smith and Rob Stokes. Also present were Mayor Andy Cook, Deputy Mayor Bruce Hauk, Clerk-Treasurer Cindy Gossard and Attorney Brian Zaiger.

Mayor Andy Cook called the meeting to order at 7:00P.M.

President Tom Smith announced that the Villages of Oak Manor Ordinance 10-20 has been withdrawn at the petitioner's request.

Approval of Minutes:

There is one change with identifying the Park where the Tree Lighting took place. This should have been mentioned as Redman Park not Hadley Park. Ken Kingshill made the motion to approve the November 8, 2010 City Council minutes as amended. John Dippel seconded. Vote: Yes-7; No-0. Motion carried.

Guests:

Jack Woelfel, on behalf of the residents at Villages of Oak Manor, expressed his gratitude to the Council's special committee (Steve Hoover, Ken Kingshill and Rob Stokes) for working with the residents and Pulte.

Steve Hoover regarded the residents for their willingness to participate in this process.

Claims:

Bob Horkay made a motion to approve the claims as submitted. Bob Smith seconded. Vote: Yes-7; No-0. Motion carried.

Miscellaneous Business/Special Presentation:

Duke Energy Grant Award for Public Safety Training Center:

Representing Duke Energy, Mark LaBarr presented the City of Westfield with a \$10,000 grant for the Public Safety Training Center. The Mayor and City Council expressed their gratitude.

2011 Employee Holiday Schedule:

Deputy Mayor Bruce Hauk explained that this is common practice every year so that the Holiday Schedule can be incorporated in to the Policy and Procedure Manuel. It was the consensus of the Council to affirm the 2011 Holiday Schedule as presented.

Old Business:

Ordinance 10-30: Amendment to Viking Meadows PUD:

Introduction-September 13, 2010

APC Public Hearing-October 4, 2010

APC Recommendations-December 6, 2010

Adoption Consideration-December 13, 2010

Community Development Director Matt Skelton described the time line and how this comes before the Council with a favorable recommendation from the Advisory Plan Commission.

Steve Hoover explained that given the current economy and the circumstances that bring changes in this product of the development, compromises from the residents as well as the developer are necessary. He explained that square footage and architectural standards were improved from the original PUD. He will support this because of the strong changes in particular with architectural standards.

Rob Stokes respectfully disagreed with Mr. Hoover. He feels that based on the MLS standards and the area of which this product is being introduced this development is being compromised. Bob Horkay concurred and referred to the numerous correspondences against this PUD.

John Dippel referred to the successful 2005 annexation endeavor. He drew a parallel of the percentage (61%) favored by the State. The percentage of the residents that are in favor of the Pulte PUD is (68%). He did express his empathy towards the residents.

Ken Kingshill believes that the Council should look at the future PUD's coming forward to avoid having being faced with a similar situation. Because of the improvements on this PUD being considered he will be supporting this.

Bob Smith feels that careful consideration has been given to this amendment and that moving forward with this would be the best decision for the community and residents of Viking Meadows.

Tom Smith said that he had struggled with this. He is concerned with the property currently not being maintained. Pulte is willing to come in with a decent product in a not great situation. He also questioned why Pulte decided to come forward with an amendment instead of going with the original PUD.

Representing Pulte, Attorney Steve Hardin with Baker and Daniels Law Firm, explained that Pulte looked at ways of making the development marketable with efficiency.

Community Development Director Matt Skelton explained that this amendment with the Development agreement maps out a fiscally responsible plan and what the City and Developer are expected to do.

John Dippel made the motion to approve Ordinance 10-30 as presented. Steve Hoover seconded. Vote: Yes-5; No-2 (Bob Horkay, Rob Stokes). Motion carried.

President Smith called a two minute break.

Ordinance 10-24: Elected Officials Salary Ordinance

Introduction-November 8, 2010

Second Reading-December 13, 2010

Adoption Consideration-December 13, 2010

Deputy Mayor Bruce Hauk described the proposed Ordinance. Ken Kingshill made the motion to approve Ordinance 10-24 as presented. Rob Stokes seconded. Vote: Yes-7; No-0. Motion carried.

New Business:

Springmill Trails PUD

Introduction-December 13, 2010

APC Public Hearing-Janurary 4, 2011

Planner Kevin Todd described the Springmill Trails PUD and is looking for a consensus to move forward to the January Advisory Plan Commission.

Jon Dobosiewicz Land Use Professional with Nelson Frankenberger Law Firm explained the changes from the original Eagletown PUD. It will be two separate PUDs.

There was some discussion on the name and if it is the same PUD as the Eagletown PUD. Mr. Dobosiewicz explained that the name is a vehicle used to move forward this amendment for tracking purposes. Different standards apply to different real estate.

Steve Hoover wants to be sure that the Council's Review Subcommittee's plan on State Road 32 overlay is being considered. The second comment is that the residential district 1 may abut one of our amenities. He would like to see the changes (redlined or bullet points).

Jon will work with the City Staff to accommodate bullet points on changes.

It was Council's consensus to move this to the January Advisory Plan Commission.

Resolution 10-16: Amendment of Policies and Procedures Manual:

Bruce Hauk presented a redline copy with changes. This will come back to the City Council for consideration December 27, 2010.

Ordinance 10-26: Additional Appropriation for Motor Vehicle Highway (MVH) Fund:

Introduction-December 13, 2010

Public Hearing-December 13, 2010

Adoption Consideration-December 13, 2010

Public Works Director Kurt Wanninger described Ordinance 10-26. This money is in the bank but needs to be appropriated. This amount would be \$425,000.00.

President Smith opened a public hearing at 8:15P.M. Hearing no one the public hearing was closed at 8:16P.M.

Bob Smith made the motion to suspend the rules and consider Ordinance 10-26 on the first reading. Ken Kingshill seconded. Vote: Yes-7; No-0. Motion carried.

Bob Smith made the motion to adopt Ordinance 10-16 as presented. Ken Kingshill seconded. Vote: Yes-7; No-0. Motion carried.

Resolution 10-15: Authorization of Design & Build Contracting for Fire Training Center:

Deputy Fire Chief of Operations Gary Southerland explained that this is a request to use the money to begin the Fire Training Center.

Bob Horkay moved to authorize the Design & Build Contract for the Fire Training Center. Rob Stokes seconded. Vote: Yes-7; No-0. Motion carried.

Resolution 10-17: Fire Dept. Charge Offs:

Adoption Consideration-December 13, 2010

Gary Southerland explained that this is an annual item and money can still be collected even after written off.

Ken Kingshill made the motion to accept Resolution 10-17 as presented. John Dippel seconded. Vote: Yes-7; No-0. Motion carried.

Ordinance 10-27: Amendments to Traffic Regulations

Introduction-December 13, 2010

Second Reading-December 27, 2010

Adoption Consideration-December 27, 2010

Kurt Wanninger described the changes to the current Traffic Regulations. This has been reviewed by the City Engineer as well as the Parks Director. This will come back to the Council for consideration December 27, 2010.

Ordinance 10-28: Parks Policies & Procedures

Introduction-December 13, 2010

Second Reading-December 27, 2010

Adoption Consideration-December 27, 2010

Parks Director Melody Jones explained that this is a yearly update and will come back to the Council for consideration December 27, 2010.

Ordinance 10-29: Right-of way, Easement & Platted Real Property Vacation of a portion of Custom Commerce Park:

Introduction-December 13, 2010

Public Hearing-December 13, 2010

Second Reading-December 27, 2010

Adoption Consideration-December 27, 2010

Planner Andrew Murray described Ordinance 10-29. This is part of an Economic Development effort to encourage new commercial businesses to the City of Westfield. The Council needed some clarification on what is actually being done.

Economic Development Director Matt Skelton explained that this property has been dedicated to the City of Westfield at no "out of pocket" cost. There will be some future assessed valuation benefits with taxes. This will come back to the City Council December 27, 2010 for consideration.

President Smith opened a public hearing at 8:30P.M. Hearing no one the public hearing was closed at 8:31P.M.

Centennial South PUD Amendment

Introduction: December 13, 2010

APC Public Hearing-January 4, 2011

Andrew Murray explained that there is a one line change and this is required to go back to the Advisory Plan Commission for a public hearing in January.

It was Council's consensus to send this to the Advisory Plan Commission.

Sign Ordinance Amendment

Introduction: December 13, 2010

APC Public Hearing-January 4, 2011

Planner Kevin Todd described the changes in the proposed ordinance.

After some discussion it was the Council's consensus to send this on to the Advisory Plan Commission.

Rezone of 1901 State Road 32 West from SF-5 to GB

Introduction-December 13, 2010

APC Public Hearing-January 4, 2011

Senior Planner Kevin Todd explained the proposed change in zoning request. He cited the property and described the reason for the change in zoning.

Steve Hoover had concerns with the uses and complying with the Comprehensive Plan for this location. The petitioner explained that he has a screening plan with some architectural design that would be an appropriate fit for that location.

It was the Council's consensus to send this to Advisory Plan Commission.

President Smith announced that the Façade Program has been moved to December 27, 2010

Family Sports Capital of America Comprehensive Plan Addendum II

Introduction-December 13, 2010

APC Public Hearing-December 20, 2010

Senior Planner Jennifer Miller presented the addendum and described the purpose as in the Phase II report. This is coming forward as recommended by the Sports Commission.

As part of the process this would be sent to the Advisory Plan Commission December 20th if this Council wishes to do so.

After some discussion from the Council it was the consensus to send this to the Advisory Plan Commission.

Council Comments:

Bob Smith complimented Kurt Wanninger and his staff on the recent snow removal.

Steve Hoover wanted to wish everyone a Merry Christmas.

Tom Smith complimented the City Staff and DWNA for a fine job on this year's Westfield in Lights celebration and the tree lighting.

Mayor Comments:

Mayor Cook acknowledged the City's Public Safety (Police and Fire) staff. He was touched personally by the response from Westfield Fire and Police while assisting Sheridan in a fatal automobile accident. A long time employee of Tradewinds lost his life. Although one life was lost they were able to save two out of the three men. When he had to deliver the bad news to the Widow he could honestly say that they did all they could do for her husband.

Mayor Cook also complimented Anne Poynter and DWNA for this year's Westfield in Lights and all of the related activities.

Bob Smith made the motion to adjourn. John Dippel seconded. Vote: Yes-7; No-0. Motion carried.

With no further business the meeting was adjourned at 9:02A.M.

Clerk-Treasurer

President